

Service Date: December 16, 1996

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER OF MONTANA-DAKOTA)	UTILITY DIVISION
UTILITIES COMPANY, Application for)	
Authority to Implement the Gas Cost)	DOCKET NO. D96.10.167
Tracking Adjustment Procedure.)	ORDER NO. 5952b

IN THE MATTER OF MONTANA-DAKOTA)	UTILITY DIVISION
UTILITIES COMPANY, Application for)	
Authority to Increase Rates for Natural Gas)	DOCKET NO. D95.7.90
Service in Montana.)	(reserved issue #2)
)	ORDER NO. 5856e

PROCEDURAL ORDER

Introduction

On November 14, 1996 the Montana Consumer Counsel (MCC) petitioned before the Public Service Commission (PSC) for intervention in Docket No. D95.7.90, Montana-Dakota Utilities Co.'s (MDU) fall 1996 gas cost tracker. At the same time MCC also filed a Motion to Set Procedural Schedule and Hearing on the pending second reserved issue in Docket No. D95.7.90, that issue being MDU's proposed rate base additions for FAS-106 funding and prepaid tax. See paras. 53-55, Order No. 5856b, Docket No. D95.7.90, April 17, 1996. MCC also suggested that the reserved issue and the tracker proceeding be considered concurrently.

The PSC, itself or through delegation to PSC staff, hereby establishes the procedure and schedule to be followed in the above dockets. Any request for reconsideration of this Order must be submitted to the PSC within 10 days of the service date above. A request for reconsideration will be scheduled for the PSC's next available business meeting following the request and the parties will be informed of the action taken. This Order is effective immediately and remains effective unless and until modified by action of the PSC.

Schedule

All dates listed in the following schedule are mailing dates (for filing and service) unless otherwise specified.

- (a) January 7, 1997: final day to serve discovery requests on MDU.
- (b) January 16, 1997: final day for MDU to respond to discovery requests.
- (c) January 30, 1997: final day for MCC to file testimony.

Following the receipt of MCC's testimony PSC staff will communicate with the parties to discuss whether further prehearing procedures are necessary or whether the matter can proceed to hearing. This will be an effort to determine the need for further prehearing procedures, it does not call into question any procedural right of MDU (e.g., discovery on MCC testimony, rebuttal testimony, etc.).

Done and dated this 12th day of December, 1996, by delegation to PSC staff as an Order of the PSC.

BY THE MONTANA PUBLIC SERVICE COMMISSION

NANCY MCCAFFREE, Chair
DAVE FISHER, Vice Chair
BOB ANDERSON, Commissioner
DANNY OBERG, Commissioner
BOB ROWE, Commissioner

NOTE: Any interested party may request the PSC to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.